

Panaji, 28th April, 2006 (Vaishaka 8, 1928)

SERIES I No. 4

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

### EXTRAORDINARY

#### GOVERNMENT OF GOA

#### CHAPTER - I

#### Department of Panchayati Raj & Community Development

Directorate of Panchayats

#### Notification

25/1/DP/ZP/05

The following draft rules which the Government of Goa proposes to make under sub-section (4) of section 7 read with sections 118 and 240 of the Goa Panchayat Raj Act, 1994 (Goa Act No.14 of 1994), are hereby pre-published as required by sub-section (1) of section 240 of the said Act, for information of the persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration by the Government on the expiry of fifteen days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the said draft rules may be forwarded to the Director of Panchayats and ex officio Joint Secretary to the Government of Goa, 3rd Lift, 3rd Floor, Junta House, Panaji, before the expiry of fifteen days from the date of publication of this Notification in the Official Gazette.

#### DRAFT RULES

In exercise of the powers conferred by sub-section (4) of section 7 read with sections 118 and 240 of the Goa Panchayat Raj Act, 1994 (Goa Act No.14 of 1994), the Government of Goa hereby makes the following rules, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Zilla Panchayat (Co-option of Members) Rules, 2006.

(2) They shall come into force at once.

2. *Definitions.*— In these rules, unless the context otherwise requires,—

(a) "Act" means the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);

(b) "Co-option" means the election of a person belonging to the Scheduled Caste by members of the Zilla Panchayat, as and when directed by the Government by an Order published in the Official Gazette;

(c) "Member" means a member of Zilla Panchayat;

(d) "Presiding Officer" means an Officer appointed by the Director to preside over the meeting for co-opting a person belonging to the Scheduled Caste;

(e) "section" means a section of the Act;

(f) "Director" means the Director of Panchayats;

(g) Words and expressions used but not defined in these rules shall have the same meaning as respectively assigned to them in the Act.

## CHAPTER - II

3. *Appointment of date of meeting.*— Where a person belonging to a Scheduled Caste is to be co-opted under the provisions of section 118 read with provisions of sub-section (4) of section 7 of the Act, Director of Panchayat shall fix a special meeting of elected members of Zilla Panchayat for the purpose.

4. *Notice of special meeting.*— After the date of the special meeting is fixed under rule 3 above, the Chief Executive Officer shall issue a notice in writing to the Zilla Panchayat members three days in advance stating therein the date and time when the special meeting shall take place. Such a Notice shall be affixed on the Notice Board of the Zilla Panchayat. The Notice interalia shall state the following:

- (a) the number of persons to be co-opted;
- (b) the place, date, hours and before whom the nomination paper should be filed;
- (c) the place and date on which and the hours between which the nomination papers will be taken up for scrutiny;
- (d) the place and the date on which and the hours between which a candidate may withdraw his candidature; and
- (e) the place and date on which, and the hours between which the voting shall take place, should there be a poll.

The filing of nomination, withdrawal of nomination shall take place before the date of special meeting so fixed. The notice shall also be served on the members of Zilla Panchayat in the same manner as specified in section 235 of the Act.

5. *Presiding Officer to preside over a special meeting.*— The special meeting for co-option of member shall be presided over by the Presiding Officer.

6. *Filing of nomination papers.*— (1) The nomination of every candidate shall be made by filing of a nomination paper in the Form I appended hereto.

(2) Every nomination paper shall be signed by two members as proposer and seconder and the candidate shall sign a declaration expressing his

willingness to contest for the election of co-option of member.

(3) Each candidate shall file a separate nomination paper.

(4) Every nomination paper shall be presented to the Presiding Officer by the candidate in person on the date, at the place and during the hours specified in the Notice for filing nomination papers alongwith a Caste Certificate issued by the Competent Authority.

(5) On receiving a nomination paper, the Presiding Officer shall satisfy himself that the name and number on the voters list of the candidate as entered in the nomination paper are the same as those entered in the voters list:

Provided that the Presiding Officer shall cause correction of any clerical or technical error in the nomination paper in regard to the said name or number in order to bring them in conformity with the corresponding entries in the voters list, and wherever necessary, direct that any clerical or printing error in the said entries be overlooked.

(6) Immediately after the time for receipt of nomination papers is over, the Presiding Officer shall cause to be published a list, as per Form-II appended hereto containing the names of the candidates whose nominations have been received, by affixing it on the Notice Board of the Zilla Panchayat at its Office.

7. *Scrutiny of nomination papers.*— (1) On the date appointed for the scrutiny of nomination papers, the candidates, their proposers and seconders shall attend at such place and time as is specified in the notice for the scrutiny of nomination papers and the Presiding Officer shall give such persons all reasonable facilities to examine the nomination papers of all the candidates which have been received as aforesaid.

(2) The Presiding Officer shall then examine the nomination papers and shall decide all objections which may be made at the time, to any nomination and may, either on such objection, or on his own motion and, after such summary enquiry, if any, as he may deem necessary, reject any nomination on any one or more of the following grounds:—

(a) that the candidate suffers from any of the disqualifications mentioned in section 123 read with section 10 of the Act;

(b) that the proposer or seconder is a person who is not a member of the Zilla Panchayat;

(c) that the candidate does not belong to the Scheduled Caste community and he is not a voter within the limits of the Zilla Panchayat where he filed his nomination;

(d) that the proposer or seconder is debarred by a competent Court or Authority from taking part in the meetings of the Zilla Panchayat:

Provided that the nomination of a candidate shall not be rejected merely on the ground of an incorrect description of his name or of the name of his proposer or seconder or of any other particulars relating to the candidate or his proposer or seconder, if the identity of the candidate, proposer or seconder, as the case may be, may otherwise be established beyond reasonable doubt.

(3) The Presiding Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, shall record in writing a brief statement of reasons for such rejection.

8. *Publication of the list of nominated candidates.*— The Presiding Officer shall, before the time fixed for the special meeting, cause to be published a list containing the names of the validly nominated candidates as per Form-III appended hereto by affixing it on the Notice Board of the Zilla Panchayat at its office.

9. *Withdrawal of candidature.*— A candidate may withdraw his candidature by giving a notice in writing to that effect to the Presiding Officer within the time limit specified in the notice issued under rule 4 above. Such notice of withdrawal shall be in Form-IV appended hereto.

10. *Procedure after publication of the list of validly nominated candidates.*— (1) If the number of the candidates is equal to the number of vacancies, the Presiding Officer shall declare such candidate duly elected as co-opted member.

(2) If the number of candidates exceeds the number of persons to be co-opted, election shall be held by secret ballot and voting of the members present at the meeting.

11. *Procedure for adjournment of a special meeting.*— If, for sufficient reasons, the members fail to co-opt a person as a member, the Presiding

Officer shall adjourn the special meeting to another date which shall be notified by the Director in due course.

12. *Voting and result of election.*— (1) The Presiding Officer shall cause such arrangements to be made as well ensure the secrecy of the ballot.

(2) The Chief Executive Officer shall cause to be prepared a list of all the members who are entitled to vote at the election of co-option of member, and he shall also provide such other articles as may be necessary for holding such election.

(3) The ballot paper shall be in Form - V appended hereto and the Presiding Officer shall cause to be prepared in the manner specified in the succeeding sub-rule sufficient number of ballot papers and each ballot paper shall be authenticated by the seal and the signature of the Presiding Officer.

(4) The names of duly nominated candidates who have not withdrawn their candidature shall be typed or legibly written in Roman and Devnagri script on the ballot paper in the alphabetical order of their names in Roman script. After the name of the candidate, a place shall be kept to put a cross mark (X).

(5) Every member desiring to vote, shall be supplied with one ballot paper. The voter shall place a cross mark (X) in column (2) of the ballot paper against the name of candidate with a pen of any colour, whichever may be available at the polling station:

Provided that if a voter is illiterate or by reasons of infirmity is unable to vote in the above manner, the Presiding Officer shall, at the request of such voter, make the mark on the ballot paper according to the directions of such voter and shall cause the ballot paper so marked to be placed in the ballot box.

(6) He shall then fold up the ballot paper so as to conceal his vote and deposit the same in a ballot box placed in the view of the Presiding Officer.

(7) Every member wishing to cast his vote shall do so in person and not by proxy.

(8) The Presiding Officer shall, after the voting is over, count the votes in the presence of such members as may be present and declare the candidate securing the largest numbers of valid votes to have been elected as co-opted member.



(9) In the event of there being an equality of votes between the candidates, the Presiding Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected as co-opted member.

13. *Validity of ballot papers.*— Any ballot paper which bears any mark or any signature of any voting member by which the voter may be identified or in which the mark (X) is placed against more than one candidate or in an ambiguous manner or which is a spurious ballot paper, shall be invalid.

14. *Preparation of record of proceedings and publication of result of election.*— (1) Immediately after the special meeting, the Presiding Officer shall,—

(a) prepare a record of the proceedings at the meeting and sign it, attest with his initial at every correction made therein and also permit any member present at the meeting to affix his signature to such record if he expresses his desire to do so;

(b) publish a notification on the Notice Board of the Zilla Panchayat in Form - VI appended hereto, signed by the Presiding Officer declaring the name of the person elected as co-opted member and send a copy of it in duplicate to the Chief Executive Officer of the Zilla Panchayat.

(2) The Director shall get this result published in the Official Gazette.

15. *Packing and preservation of election records.*— (1) The Presiding Officer shall make up into separate bundles,—

(i) such of the ballot papers as have been accepted as valid;

(ii) the remaining ballot papers which have been rejected as invalid, and

(iii) all other records including nomination papers, etc.

(2) He shall then make up the above three bundles into one packet and seal the packet noting

thereon the description of the contents, the election to which they relate and the date thereof.

(3) The packets shall be retained in safe custody in the Office of the Chief Executive Officer of the Zilla Panchayat concerned for a period of one year and shall then, unless otherwise directed by the Director, be destroyed.

16. *Production and inspection of election papers.*— While in the custody of the Chief Executive Officer, the packets of election records shall not be opened and their contents shall not be inspected by or produced before any person or authority except under the orders of the Director of Panchayats.

17. *Filling up of vacancies.*— (1) A casual vacancy shall be filled by co-opting another person and the foregoing rules shall apply as far as may be.

(2) The term of the Office of the Co-opted members shall be co-terminus with the term of other members of the Zilla Panchayat.

18. *Dispute regarding election of co-opted member.*— (1) In the event of any dispute arising as to the validity of the election of co-opted member or any matter pertaining thereto, the dispute shall be filed before the Director of Panchayats and the decision of the Director thereon shall be final:

Provided that no such dispute shall be entertained by the Director if the same is not filed in the form of election petition duly verified by the petitioner, within a period of 15 days from the date of declaration of result as aforesaid.

(2) The Director, in deciding a dispute under sub-rule (1), shall have the same powers and shall follow the same procedure as is provided for deciding an election petition under the provisions of the Act and rules framed thereunder.

FORM - I

[See sub-rule (1) of rule 6]

Nomination form for election as co-opted Member

- (1) Name of the Zilla Panchayat .....
- (2) Full name of the Candidate .....
- (3) Father's or Husband's name .....
- (4) Age .....
- (5) Sex .....
- (6) Address .....
- (7) Full name and address of the proposer .....
- (8) Full name and address of the seconder .....

(1) Signature of the Proposer

(2) Signature of the Seconder

Date:

Date:

Place:

Place:

Candidate's Declaration

I, the above named candidate, hereby give my consent to this nomination.

Date: .....

Place: .....

Signature of the Candidate

Endorsement by the Presiding Officer

Serial number .....

This nomination paper was presented to me by ..... (name) at ..... (hour) ..... (on) ..... (date). Decision of the Presiding Officer, Accepted/Rejected (If rejected, give reasons).

Date .....

Place .....

Signature of the Presiding Officer

Serial No. ....

Received nomination paper of Shri/Smt. .... for election as co-opted member of ..... Zilla Panchayat proposed and seconded by (1) ..... and (2) ..... respectively which was presented to me at ..... (Place) at ..... (Time) on this ..... day of ..... 200 ..... by Shri .....

Signature of the Presiding Officer

FORM - II

[See rule 6 (6)]

List of candidates whose nominations have been received for election of co-opted member

Sr. No.	Name of Candidate	Address of Candidate	Remarks
1	2	3	4
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			

Date: .....

Place: .....

Signature of the Presiding Officer

FORM - III

(See rule 8)

List of candidates validly nominated for election as co-opted member

Sr. No.	Name of Candidate	Address of Candidate	Remarks
1	2	3	4
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			

Date: .....

Place: .....

Signature of the Presiding Officer

FORM - IV  
Notice of Withdrawal

(See rule 9)

Election for co-option of Member on ..... Zilla Panchayat.

To,  
The Presiding Officer,  
..... Zilla Panchayat.

Sub: Withdrawal of candidature

Sir,

I, the undersigned, Shri. ...., a candidate validly nominated for the election of co-opted member on ..... Zilla Panchayat, do hereby give notice that I withdraw my candidature.

Yours faithfully,

Place: .....

Date:..... / .....

.....  
Signature of the Candidate

This Notice was delivered to me at ..... (Hours) on ..... (date)  
by..... (Name of the candidate).

Date: .....

.....  
Signature of Presiding Officer

Receipt for notice of Withdrawal

(To be handed over to the person delivering the notice)

The Notice of withdrawal of candidature by ..... a candidate at the election to the ..... was delivered to me by the ..... at..... (hours) on ..... (date).

.....  
Signature of Presiding Officer

\*Strike out whichever is inapplicable.

## FORM - V

[See rule 12 (3)]

Ballot Paper

Signature and seal of the Presiding Officer

Zilla Panchayat .....

Sr. No.	Name of the candidate with the name of father or husband and residence	For mark (X) by Voter
1	2	3
(1)		
(2)		
(3)		
(4)		

## FORM - VI

## Notification

[See rule 14 (1) (b)]

In pursuance of powers conferred by clause (b) of rule 14 of the Goa Zilla Panchayat (Co-option of Members) Rules, 2006, I, the Presiding Officer, do hereby declare that the persons specified in column (2) of the Schedule below are duly elected as co-opted member to the Zilla Panchayat mentioned in the corresponding entry in column (1) of the said Schedule.

## SCHEDULE

Name of the Zilla Panchayat	Name of co-opted Member and his Address
(1)	(2)

Place: .....

Date: .....

Presiding Officer

Copy to the Directorate of Panchayats, Panaji.

By order and in the name of the Governor of Goa.

Menino D'Souza, Director of Panchayats and ex officio Joint Secretary.

Panaji, 13th April, 2006.